

REMARKS

Claims 1-11 are all the claims pending in the application.

Applicant thanks the Examiner for acknowledging receipt of the certified copies of the priority documents pursuant to 35 U.S.C. § 119. Further, Applicant thanks the Examiner for indicating that the references listed in the Information Disclosure Statement submitted to the PTO on April 2, 2004 have been considered. Applicant notes that the Examiner has not indicated consideration of the five (5) sheets of formal drawings filed on April 2, 2004. Accordingly, Applicant respectfully requests that the Examiner acknowledge receipt and consideration of these drawings in the next Office Action.

Claims 1-11 are all the claims pending in this application. Claims 1, 6 and 9 are all independent claims.

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Morrill, Jr. (U.S. Patent No. 5,991,749). In particular, the Examiner asserts that Morrill teaches all of the limitations of the independent claims including a mobile communication terminal having a non-contact IC card, as recited in independent claims 1, 6 and 9. Applicant respectfully disagrees and traverses this rejection.

Initially, Applicant has amended claims 1-11 to clarify the claim language in order to more clearly describe Applicant's invention. Further, Applicant has added new dependent claims 12-14. Applicant submits that the amendments to claims 1-11 are merely for clarification, do not narrow the scope of any of the claims, and are not made in view of any prior art.

Morrill's wireless telephony system fails to disclose, in any manner, a "non-contact IC card" and does not address employing the same in a mobile communication terminal. Instead, Morrill addresses a cellular phone which functions as an electronic wallet. Col. 2, lines 32-34. Further, Morrill does not address including transaction information in a communication message and transmitting this communication message to predetermined address, as also recited in independent claims 1, 6 and 9.

Morrill merely addresses certain debit and credit information which is transferred from a mobile phone to a mobile phone service provider CPU which, itself, is accessed via a landline connected to the telephone service provider's cell antenna. Col. 2, lines 29-32. The mobile phone service provider's CPU "debits and credits the appropriate accounts and creates an electronic record of the transfer." Col. 3, lines 22-27. As such, Morrill's wireless telephony system does not employ an "external IC card reader/writer" which writes transaction information to/from a memory of the non-contact IC card, as recited in independent claims 1, 6 and 9. For these reasons, Morrill cannot anticipate any of the independent claims. Further, since claims 2-5, 7, 8, 10 and 11 depend from independent claims 1, 6 and 9, respectively, these claims are also patentable for the same reasons as set out above with respect to independent claims, 1, 6 and 9.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/815,729

Q80818

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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